IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1389 OF 2006
WITH
CIVIL APPLICATION STAMP NO. 8016 OF 2005
WITH
REJECTED CASE NO. 696 OF 2006
IN
WRIT PETITION NO. 7886 OF 2003

Jeevan Prabhu Chauhan since deceased through his LRs.
Smt. Sharda Jeevan Chauhan ..Applicant

Vs.

Estate Officer, C/o Office of the Deputy Salt Commissioner ..Respondent

Mr. Hitesh C. Dabhi for applicant.
Mr. A.H. Palekar, AGP for State.
Mr. A.V. Shivasharan, Dy. Superintendent of Salt, GOI present in person.

CORAM: B.H. MARLAPALLE, J.

Date : June 23, 2006.

P.C.:

1. In Writ Petition No.7886 of 2003 the order passed by the learned Additional District Judge at Thane dismissing Civil Appeal No.28 of 2003 on 19/9/2003 was challenged. The eviction order under Section 5A(2) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 was passed by the Competent Authority on 22/5/2003 and the said order

was challenged in Civil Appeal No.28 of 2003 which came to be dismissed by the learned Additional District Judge. The writ petition came to be dismissed for want of prosecution and by noting that the petition was adjourned on several occasions with none had remained present for the petitioner. It is also noted that along with petition memo the copies of the impugned orders were not filed. The order of dismissal for default was dated 11/2/2005.

2. Civil Application under stamp No.7497 of 2005 was filed for restoration of the writ petition and the registration of the said Civil Application refused on failure to remove the office objections. Civil Application under stamp No. 8016 of 2005 has been filed to bring the LRs of the original petitioner on record and this application also was filed beyond time by 257 days. Civil Application No.1389 of 2006 has been filed for restoration of the writ petition.

3. The learned counsel for the applicant now states that in the meanwhile the premises on which the petitioner was directed to be evicted have already been demolished, by referring to the averments in the

Civil Application. Under these circumstances, there is no reason to entertain any of the Civil Applications.

4. Hence, all the Civil Applications are rejected.

(B.H. Marlapalle,J.)